

REMARKS

In response to the Examiner's comments in the Advisory Action, the following is respectfully submitted.

The proposed amendment under 37 CFR 1.116 neither raises new issues requiring further consideration nor any issue of new matter. The invention, as originally disclosed and claimed, is directed to a method of producing 2-oxoglutaramate from L-glutamine using bacteria of the genera *Providencia*, *Proteus* or an active biocatalyst obtained from either of **such bacteria**. Original claims were also presented to purifying 2-oxoglutaramate thereby produced by various methods. Hence, the Examiner's conclusion that "The invention as previously claimed and disclosed in the as filed specification is directed to the purification of 2-oxoglutaramate" is incorrect. Further, the claimed active biocatalysts are those obtained from the *Providencia* and *Proteus* bacteria genera, and not from unknown microorganisms.

It is argued in the Advisory Action that the effects of "active" biocatalysts obtained from *Proteus* and *Providencia* have not been shown to differ significantly from the effect of the snake venom biocatalyst used in the Meister reference. However, it is not incumbent on Applicant to make such a showing. The art of record does not disclose or make obvious use of *Proteus* or *Providencia* bacteria cells in the claimed method, nor has any art been cited to make obvious use of biocatalysts obtained from such bacteria, or that snake venom biocatalyst is obtained from the *Proteus* or *Providencia* bacteria. The statutory requirement for obviousness under 35 U.S.C 103 requires that prior art establish that the subject matter sought to be patented is obvious to a person having ordinary skill in the art to which said subject matter pertains. No such prior art is of record in this application.

With regard to the argument that the proposed amendments to claims 6-8 raise new issues that require further consideration and new matter, the following comments are submitted for consideration.

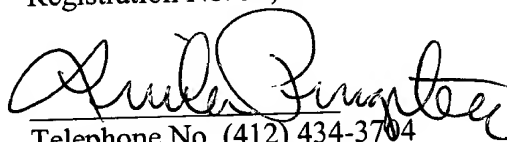
The proposed amendment to claim 6; namely, "when the desired amount of product comprising 2-oxoglutaramate is produced", is based on the disclosure on page 15, line 17 to page 16, line 14. There, it is disclosed, "Once a desired amount of 2-oxoglutaramate is produced...the conversion reaction may be stopped." One method for stopping the reaction is by removing the bacteria cells. Another method is by killing the bacteria cells.

The proposed amendments to claims 7 and 8 merely conform the language of these claims to that of claim 1 from which such claims depend.

Reconsideration of the Examiner's arguments in the Advisory Action is respectfully submitted upon re-examination of the subject application pursuant to 37 CFR 1.114.

Respectfully submitted,

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